

SENATE BILL 1149
By Fowler

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 34, relative to contraception.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-34-103, is amended by deleting the section in its entirety and by substituting instead the following language:

It is the legislative declaration of the general assembly that section 68-34-104 sets forth the policy and authority of this state, its political subdivisions, and all agencies and institutions thereof, including prohibitions against restrictions, with respect to contraceptive procedures, supplies and information.

SECTION 2. Tennessee Code Annotated, Section 68-34-104, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) Contraceptive supplies and information may be furnished by physicians to any minor who is pregnant, or a parent or married individual, or who has the consent of his or her parent or legal guardian, or who has been referred in writing for such services by another physician, physician's assistant, or advanced practice nurse, any such licensed health care provider at a school or institution of higher learning, any such licensed health care provider or licensed social worker employed by this state, any agency of this state or any subdivision thereof, or a member of the clergy, and which writing is signed by the person making the referral, except that no referral may be made by an employee of this state, any agency of this state or any subdivision thereof to a physician who is employed by the same agency or subdivision of the state.

(b) Any physician who distributes contraceptives to a minor in a manner not in accordance with subsection (a) or section 68-34-107 commits a Class C misdemeanor.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.